

A RESOLUTION

02-*R*-1134

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT  
OF \$3,381.78 IN SETTLEMENT OF THE CLAIM OF ERIC J.  
HULSMAN AGAINST THE CITY OF ATLANTA**

**WHEREAS, ERIC J. HULSMAN** has filed a claim against the City of Atlanta seeking damages arising out of property damages sustained when a City sewer mainline stopped up and raw sewage backed up into his rental property on January 3, 2002 located at 2189 Bolton Road; and

**WHEREAS,** the City had notice of problems in the sewer mainline prior to the back up on January 3, 2002; and

**WHEREAS,** the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

**WHEREAS,** inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

**WHEREAS,** the claimant has asserted damages in the amount of **\$3,381.78** and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

**WHEREAS,** the City Attorney has recommended that the claim of **ERIC J. HULSMAN** be settled for the sum of **\$3,381.78**.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that **\$3,381.78** be paid by the City of Atlanta in satisfaction of any and all claims **ERIC J. HULSMAN** may have stemming from damages sustained to his property on or about January 3, 2002 at 2189 Bolton Road.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number **2J01/529017/T31001**.

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